

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DIANNE L. KELLEY and KENNETH
HANSEN,

Plaintiffs,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

NO. C07-0475 MJP

DECLARATION OF JEFFREY I.
TILDEN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION

CLASS ACTION

I, Jeffrey I. Tilden, declare as follows:

1. Identity and Competency. I am an attorney with the law firm of Gordon Tilden Thomas & Cordell, LLP. Together with Keller Rohrback, LLP, we represent the plaintiffs.
2. Adequacy of Counsel. My practice has focused exclusively on civil litigation since I became a lawyer 26 years ago. I have tried roughly 70 cases, 40 (give or take two) to a jury. I am a Fellow of the American College of Trial Lawyers, a member of the American Board of Trial Advocates, and a past President of the Washington Defense Trial Lawyers. I, along with the other attorneys at my firm working this case, have had substantial experience representing defendants and plaintiffs in class actions in state and federal court, including:

DECLARATION OF JEFFREY I. TILDEN IN SUPPORT OF
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No. C07-0475 MJP

GORDON TILDEN THOMAS & CORDELL LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

- Peterson v. Norwest Mortgage, Inc. (King County)
- Curtis v. Hollywood Entertainment Corp. (King County)
- St. John v. A.H. Robins Co., Inc. (Spokane County)
- Kuwila v. GlaxoSmith Kline Corp. (W.D. Wash.)
- Wilson v. Stewart Title (King County)
- Wash. State Dep't of Labor & Indus. v. Puget Sound Truck Lines (King County)
- Clarke v. Pennyfarthing Development Corp. (W.D. Wash.)
- FMS, Inc. v. Dell, Inc. (King County)

It is my understanding that none of the attorneys representing plaintiffs, whether at my firm or the Keller Rohrback firm, has any personal or professional interest that would prevent us from vigorously representing the interests of the proposed class. We are committed to this lawsuit and will devote all necessary resources to it.

3. No Knowledge of Similar Lawsuits Against Microsoft. I am not aware of any lawsuit similar to this one being brought against Microsoft. I understand that my co-counsel are unaware of any such lawsuits as well.

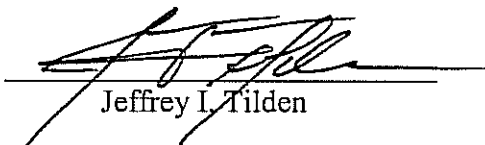
4. Authentication of Documents. Attached as exhibits are true and correct copies of the following documents:

<u>Exhibit Name</u>	<u>Tab</u>
OEM Marketing Bulletin: Windows Vista Capable Program [MS-KELL 39-58; Microsoft Designated "CONFIDENTIAL"]	A
Windows Vista Commercial [MS-KELL 11789]	B
Confidential Memo, from Microsoft to OEMs [MS-KELL 13027-13030]	C

<u>Exhibit Name</u>	<u>Tab</u>
<u>PC Pro</u> Article, "Steer Clear of Windows Vista Basic"	D
Acer Website Printout re: Company Background, with <u>PC Pro</u> Article, "PC maker fumes at Vista price hike"	E
Cover Page and Page 18 of <u>Windows Vista: The Official Magazine</u> , Issue 2	F
Cover Page and Page 23 of <u>Windows Vista: The Official Magazine</u> , Issue 1	G
Adobe Website Printout re: Support policy for Creative Suite 3 on Windows Vista Home Basic	H
Adobe Website Printout re: System Requirements for Creative Suite 3	I
Pages 1, 6, and 17 of Plaintiff Kelley's Answers to Microsoft's First Set of Discovery Requests	J
Pages 1, 6, and 17 of Plaintiff Hansen's Answers to Microsoft's First Set of Discovery Requests	K
Pages 1-2, 50-51, 67-69, and 88 from the Transcript of the 30(b)(6) Deposition of Microsoft (Mark Croft) [50:1-9 Microsoft Designated "CONFIDENTIAL"]	L
Pages 1-2, 57-58, and 125 from the Transcript of the 30(b)(6) Deposition of Microsoft (Christine Mullaney Sundlie)	M
eWeek Article, "Stacking Vista Licenses Too High"	N
Reuters Article, "Microsoft profit rises on deferred Vista sales"	O
Excerpt from Microsoft's Form 10-K Annual Report (FY Ended 6/30/07)	P
Cover Page and Pages 1-2, 13-19, and 57 from Microsoft's Appellate Brief in <u>Caspi v. Microsoft</u> , No. A-2182-97-T5 (N.J. App.)	Q

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of October, 2007, at Seattle, Washington.


Jeffrey I. Tilden

DECLARATION OF JEFFREY I. TILDEN IN SUPPORT OF
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Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

Counsel for Defendant Microsoft Corporation

Stephen M. Rummage, WSBA #11168
Cassandra L. Kinkead, WSBA #22845
Charles S. Wright, WSBA #31940
Davis Wright Tremaine LLP
1201 Third Avenue Suite 2200
Seattle, Washington 98101-3045
steверummage@dwt.com
cassandrakinkead@dwt.com
charleswright@dwt.com

Counsel for Defendant Microsoft Corporation
– Admitted Pro Hac Vice

Charles B. Casper
Montgomery, McCracken, Walker & Rhoads
123 South Broad Street
Philadelphia, PA 19109
ccasper@mmwr.com

GORDON TILDEN THOMAS & CORDELL LLP

By



Mark A. Wilner, WSBA #31550
Attorneys for Plaintiff
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Telephone: (206) 467-6477
Facsimile: (206) 467-6292
Email: mwilner@gordontilden.com